

Appln. No.: 10/788,966
Amendment Dated February 17, 2006
Reply to Office Action of November 17, 2005

BSI-430US10

Amendments to the Drawings:

The attached sheet of drawings includes new Figures 34 and 35.

Attachment

Remarks/Arguments:

With the present amendment, claims 31-39 are pending. The Specification has been amended to reflect reference to new drawings 34 and 35.

Objections

The drawings were objected to as not showing every feature of the invention specified in the claims. Specifically, the indents forming a triple lumen portion or indents forming a quadruple lumen portion must be shown or the features canceled from the claims.

New Figs. 34 and 35 show indents forming a triple lumen portion and indents forming a quadruple lumen portion, respectively. Support for these drawings is found in the Specification, column 12, lines 33-35, column 15, lines 26-31, and column 16, lines 5-9. Applicants respectfully submit that no new matter has been added. Applicants respectfully request the objection to the drawings be withdrawn.

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Office Action asserted that "*crimping* at least one longitudinal portion of said tubular support component" was not found in the written disclosure. The claims have been amended to replace the word "crimping" with the word "creasing", which is supported by the specification, column 15, line 59. Applicants respectfully submit that the specification provides proper antecedent basis for the claimed subject matter, and Applicants respectfully request that the objection to the claims be withdrawn.

Rejections

Rejections under 35 U.S.C. §112

Claims 31-35 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Office Action stated that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Office Action states that the specification does not support the method of crimping. Claim 31 has been amended to replace the word "crimping" with the word "creasing", which is supported by the specification, column 15, line 59. Applicants respectfully submit that the claims, as amended, contain subject matter which was described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully request reconsideration and allowance of claims 31-35.

Rejections under 35 U.S.C. §102

Claims 31-35 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,476,506 to Lunn ("Lunn"). Applicants respectfully traverse this rejection.

Amended claim 31 recites, *inter alia*, a method for manufacturing a multi-lumen tubular supporting component for an endoluminal graft, comprising the steps of: forming a tubular support component; and creasing at least one longitudinal portion of said tubular supporting component to form at least one longitudinally disposed indent therein to provide a portion of said tubular supportive component having multiple-lumens.

In the Office Action, the Examiner interpreted this claim element as a "multiple-lumen portion." The claim has been amended to recite a portion of said tubular supportive component having multiple-lumens. The word "portion" does not modify the "multiple lumen" as was suggested in the Office Action, but modifies "tubular supportive component" such that a portion of the tubular supportive component includes multiple lumens.

Lunn, on the other hand, discloses only a single lumen. Applicants respectfully submit that Lunn fails to disclose or suggest a portion of a tubular supporting component having multiple lumens. Applicants therefore respectfully submit that claim 31 is patentable over the cited prior art and respectfully requests reconsideration and allowance of claim 31.

Claims 32-35 all depend from claim 31 and Applicants respectfully submit that claim 31 is patentable over the cited prior art for at least the same reasons as set forth above with respect to claim 31. Applicants respectfully request reconsideration and allowance of claims 31-35.

Double Patenting

Claim 31 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 36 of the '772 patent. A timely filed terminal disclaimer may be used to overcome an actual or provisional rejection provided the conflicting application or patent is commonly owned with the present application.

The present application is owned by the assignee of the '772 patent as evidenced by the Assignment of the present application through its parent, U.S. Patent Application Serial No. 09/657,041, to Corvita Corporation. The present application is a divisional application of 09/657,041. The Assignment is recorded in the USPTO at Reel 011085/Frame 0978. A copy of the Assignment recordation information is attached hereto. The '772 patent is also owned by Corvita Corporation, as evidenced by the "Patent Abstract Assignment of Title" for the '772 patent, which is attached hereto.

Applicants include a terminal disclaimer, attached hereto, to overcome this rejection. Applicants respectfully request reconsideration and allowance of claim 31.

Claims 36-39 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 5 of U.S. Patent No. 6,554,858 ("the '858 patent"). The Office Action stated that, although the claims are not identical, they are not patentably distinct from each other because the present application's claims are so close in content that they cover the same thing, despite a slight difference in wording than the claims of the '858 patent. Applicants respectfully traverse this rejection.

Claim 36 recites, *inter alia*, a multi-component branching expandable supportive endoluminal graft comprising:

a plurality of expandable supportive endoluminal components adapted to be individually deployed at a selected location within a body vessel, each said supportive endoluminal graft component being radially compressible for endoluminal insertion and radially expandable for deployment at a desired location within a body vessel;

one of said expandable supportive endoluminal components is a trunk component, said trunk component being generally tubular and having a first trunk portion with a given diameter and a second trunk portion including two diametrically opposed, longitudinally disposed, indents generally defining two parallel, supportive lumens, each with a diameter less than said given diameter;

a trunk liner disposed within said trunk component, said trunk liner having a generally cylindrical body portion and two leg liner portions, each said leg liner portion defining a leg opening, wherein each of said leg liner portions is disposed within respective parallel,

supportive lumens of said trunk component, and the generally cylindrical body portion of said liner is disposed within a non-indented portion of said generally cylindrical trunk component; . . .

Claim 1 of the '858 patent recites, *inter alia*, an intraluminal prosthesis for a ramification of vessels which carry body fluids in the human or animal body, comprising:

a) a tubular trunk element which is radially expandable and compressible and which is to be applied in the expansion position in a principal vessel of the ramification, said tubular trunk element axially having two ends, several axial channels, and a cavity which is open at its two ends, said trunk element comprised of:

. . .

a radially expandable and compressible tubular stent having a circular cross-section along its entire length, which surrounds said sleeve and on which said sleeve is fixed at least at said ends of said tubular trunk element; . . .

Claim 36 of the present invention recites that a trunk component (of a stent) includes two diametrically opposed, longitudinally disposed, indents, along with a non-indented portion. Therefore, claim 36 requires a portion of the stent to be indented, with a remaining portion being non-indented. Fig. 28 shows a central portion of a stent being indented, while each end portion of the stent remains non-indented.


Claim 1 of the '858 patent recites that the stent has a circular cross-section along its entire length. Claim 36 of the present application has a different scope of coverage than claim 1 of the '858 patent at least with regard to the cross-sectional shape of the stent along its entire length. Claims 2 and 5 of the '858 patent both depend from claim 1, requiring claims 2 and 5 to include the same limitation of the circular cross-section along the entire length of the stent as is recited in claim 1. Therefore, Applicants respectfully submit that claim 36 is patentably distinct over claims 1, 2, and 5 of the '858 patent.

Applicants respectfully request reconsideration and allowance of claim 36. Claims 37-39 all depend, either directly or indirectly, from claim 36, and Applicants respectfully request reconsideration and allowance of claims 36-39.

Conclusion

With the present amendments and arguments, Applicants respectfully submit that claims 31-39 are in condition for allowance. Prompt reconsideration and allowance is respectfully requested.

Respectfully submitted,



Jonathan H. Spadt; Reg. No. 45,122
Attorney for Applicant

JHS/tc

Attachments: Figs. 34 and 35 (1 sheet)
Assignment Recordation for U.S. Patent Application Serial No. 09/657,041
Patent Assignment Abstract of Title for U.S. Patent No. 5,632,772
Terminal Disclaimer

Dated: February 17, 2006

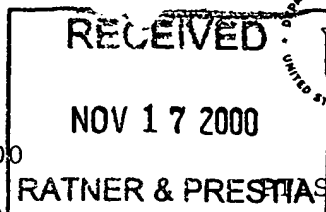
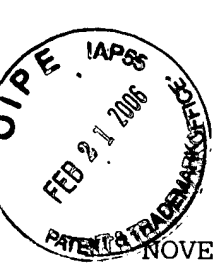
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Todd Conway



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RECORDATION DATE: 09/05/2000

REEL/FRAME: 011085/0978
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

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DOC DATE: 08/18/2000

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DOC DATE: 08/18/2000

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SERIAL NUMBER: 09657041

PATENT NUMBER:

FILING DATE:

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WHEREAS, I, Rylser Alcime of 925 N.W. 122th Street, Miami, Florida 33161 and Yasushi Kato of 311 South West, 187th Avenue, Pembroke Pines, FL 33029, (hereinafter referred to as "ASSIGNOR") have made an invention entitled EXPANDABLE SUPPORTIVE BRANCHED ENDOLUMINAL GRAFTS, Application Number 863,964, filed May 27, 1997, which matured into U.S. Patent No. 5,855,598;

WHEREAS, the ASSIGNEE, Corvita Corporation, 8210 N.W. 28th 27th Street, Miami, FL 33122 a corporation organized and existing under and by virtue of the laws of the State of Florida is desirous of acquiring the entire interest in and to said invention and the Letters Patent issued therefor;

LP 8/18/00
Y/Kat 8/18/00
RA 8/18/00

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and of other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned, intending to be legally bound, does hereby sell, assign and transfer to the ASSIGNEE the ASSIGNOR'S entire right, title and interest, for the United States of America, its territories and possessions, and for all foreign countries, in said invention, including said letters patent all divisions and continuations thereof, all rights to claim priority based thereon, all rights to file foreign applications on said invention, and all reissues thereof, issuing for said invention in the United States of America and in any and all foreign countries.

It is agreed that ASSIGNOR shall be legally bound, upon request and at the expense of the ASSIGNEE or its successors or assigns or a legal representative thereof, to supply all information and evidence of which the undersigned has knowledge or possession, relating to the making and practice of said invention, to testify in any legal proceeding relating thereto, to execute all instruments and do such other acts as may be necessary and proper to patent the invention in the United States of America and foreign countries in the name of the ASSIGNEE and to execute all instruments proper to carry out the intent of this instrument.

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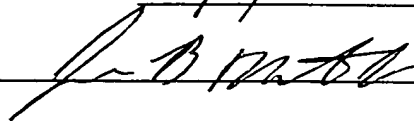
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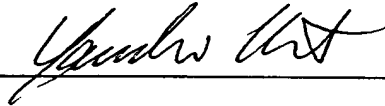
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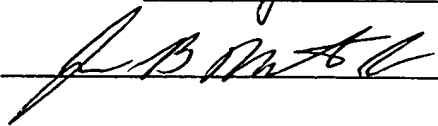
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Patent #: [5632772](#) **Issue Dt:** 05/27/1997 **Application #:** 08558028 **Filing Dt:** 11/13/1995**Inventors:** RYSLER ALCIME, YASUSHI KATO, LEONARD PINCHUCK**Title:** EXPANDABLE SUPPORTIVE BRANCHED ENDOLUMINAL GRAFTS

Assignment: 1

Reel/Frame: [007787/0440](#)**Recorded:** 11/13/1995**Pages:** 3**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** [ALCIME, RYSLER](#)**Exec Dt:** 11/10/1995[KATO, YASUSHI](#)**Exec Dt:** 11/10/1995[PINCHUK, LEONARD](#)**Exec Dt:** 11/10/1995**Assignee:** [CORVITA CORPORATION](#)

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